

KARLENE YOUNG
Claimant

VS.

FARNEY CHIROPRACTIC CLINIC
Respondent

AND

HARTFORD ACCIDENT & INDEMNITY
Insurance Carrier

AND

KANSAS WORKERS COMPENSATION FUND

[illegible]

Claimant asks for review by the Appeals Board on the following issues:

- (1) Nature and extent of claimant's disability;
- (2) Whether certain medical bills incurred after claimant reached maximum medical improvement should be ordered paid by the respondent;
- (3) Whether claimant should be entitled to future medical under the direction of Dr. Terry Farney.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the Award of Administrative Law Judge Shannon S. Krysl should be affirmed.

Claimant was injured in an automobile accident while on an errand for her employer, Dr. Terry Farney. Claimant is the sister of Dr. Terry Farney and had been treated by Dr. Farney since his internship at Cleveland Chiropractic College in 1981. Medical treatment was initially provided at the direction of Dr. Farney and subsequently by Dr. Douglas Stuart Bett, Jr., also a chiropractor. The record includes a functional impairment rating by Dr. Paul Stein of five percent (5%) and a rating by claimant's brother, Dr. Farney, of twenty percent (20%). The Appeals Board agrees the rating by Dr. Stein more accurately reflects the functional impairment suffered.

The Appeals Board also agrees with the decision by the Administrative Law Judge denying reimbursement for treatment by Dr. Farney after the claimant was determined to have reached maximum medical improvement. Finally, the Appeals Board also agrees with the decision to limit future medical expenses to those ordered on application only. The Appeals Board, therefore, adopts as its own the findings of fact and conclusions of law as stated in the April 25, 1994, Award and affirms that Award.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Shannon S. Krysl dated April 25, 1994, shall be, and hereby is, affirmed.

WHEREFORE AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Karlene Young, and against the respondent, Farney Chiropractic, and the insurance carrier, Hartford Indemnity & Accident Company, and the Kansas Workers Compensation Fund, for an accidental injury sustained on April 14, 1991.

The claimant is entitled to 415 weeks at \$8.62 or \$3,577.30 for a 5% permanent partial general body disability award of \$3,577.30.

As of March 3, 1995, there is due and owing claimant 202.86 weeks of permanent partial disability compensation at the rate of \$8.62 per week in the sum of \$1,748.65,

which is ordered paid in one lump sum less any amounts previously paid. The remaining balance of \$1,828.65 is to be paid for 212.14 weeks at the rate of \$8.62 per week, until fully paid or by further order of the Director.

The Claimant is entitled to unauthorized medical up to the statutory maximum.

Future medical benefits will be awarded only upon proper application to and approval by the Director of the Division of Workers Compensation.

The Claimant's attorney fees are approved subject to the provisions of K.S.A. 44-536.

Fees necessary to defray the expenses of administration of the Workers Compensation Act are hereby assessed against the respondent and the Workers Compensation Fund to be paid direct as follows:

Barber & Associates	
Deposition of Terry L. Farney, D.C.	\$783.20
Deposition of Douglas Stuart Bett, Jr., D.C.	\$351.60
Transcript of Regular Hearing	\$401.40
Deposition of Roberta A. Remschisel	\$304.00
 Satterfield Reporting Services	
Deposition of Terry Farney, D.C.	\$210.00
 Court Reporting Service	
Deposition of Paul S. Stein, M.D.	\$185.40

IT IS SO ORDERED.

Dated this ____ day of February, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Judy A. Pope, Topeka, KS
John Badke, Wichita, KS
Cortland Clotfelter, Wichita, KS
Shannon S. Krysl, Administrative Law Judge
George Gomez, Director